

**Barentzen, Steven**

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**From:** Barentzen, Steven  
**Sent:** Wednesday, October 12, 2005 9:16 AM  
**To:** 'Jerry S. Goldman'  
**Subject:** Draft Briefing Stipulation

**Attachments:** Al-Alwani Stip(3).doc

Mr. Goldman:

I write to follow up on my phone call to you yesterday. Attached is a draft briefing stipulation for your review that I hope you will agree to sign so that we can jointly submit it to the Court. Please let me know if you have any comments or suggestions.

Steve



Al-Alwani  
Stip(3).doc (29 KB)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
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This document relates to:

*Estate of John P. O'Neill, Sr., on behalf John P. O'Neill, Sr., deceased, and on behalf of  
decedent's heirs-at-law, et al. v. Republic of Iraq, Case No. 04-CV-1076(RCC)*

**STIPULATION AND ORDER SETTING THE SCHEDULE FOR TAHA AL-ALWANI  
TO RESPOND TO PLAINTIFFS' THIRD AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for Plaintiffs  
and for Defendant Taha Al-Alwani ("Defendant"), subject to the approval of the Court as  
follows:

1. Defendant shall have 45 days from the Court's approval of this stipulation to  
move to dismiss Plaintiffs' Complaint, as amended. Defendant also intends to move for  
sanctions against Plaintiffs pursuant to Fed. R. Civ. Pro. 11, and shall serve his Rule 11 motion  
on Plaintiffs along with his motion to dismiss.

2. Plaintiffs shall have 21 days from the date they are served with the Rule 11  
motion to withdraw their complaint against Defendant with prejudice. If Plaintiffs withdraw  
their complaint within that 21 day period, Plaintiffs will withdraw their Rule 11 motion. If  
Plaintiffs do not agree to voluntarily withdraw their complaint, Defendant shall file the motion in  
accordance with Rule 11.

3. If Plaintiffs do not agree to withdraw their complaint, they shall have forty-five  
(45) days from the date on which they are served with Defendant's motion to dismiss and Rule  
11 motion to serve any opposition papers to those motions.

4. Defendant shall file reply papers within fifteen (15) days from the date on which Defendant is served with Plaintiffs' opposition to the motion to dismiss and the Rule 11 motion.

5. By entering into this stipulation, neither Plaintiffs nor Defendant waive, and each party expressly reserves the right to raise, any defenses or arguments they may have against the other party, including but not limited to the sufficiency of service or any alleged default by the other party.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY LLP

Dated: October \_\_, 2005

By: \_\_\_\_\_  
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*Attorneys for Defendant Taha Al Alwani*

LAW OFFICES OF JERRY S. GOLDMAN &  
ASSOCIATES, P.C.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
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*Attorneys for Plaintiffs*

**SO ORDERED:**

\_\_\_\_\_  
RICHARD CONWAY CASEY, U.S.D.J.

Dated: \_\_\_\_\_